ASSEMBLY, No. 3545

STATE OF NEW JERSEY

218th LEGISLATURE

INTRODUCED MARCH 5, 2018

Sponsored by:
Assemblyman RAJ MUKHERJI
District 33 (Hudson)
Assemblyman WAYNE P. DEANGELO
District 14 (Mercer and Middlesex)

SYNOPSIS

Requires electric public utilities to implement flood mitigation plans for electric distribution substations and transfer stations in certain flood zones.

CURRENT VERSION OF TEXT

As introduced.



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AN ACT concerning electric public utility flood mitigation plans and supplementing Title 48 of the Revised Statutes.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. As used in P.L. , c. (C.) (pending before the Legislature as this bill):

"Board" means the Board of Public Utilities.

"Electric distribution substation" or "substation" means, with respect to an electric public utility, an electric substation or transfer station which takes electricity from the transmission grid and converts it to a lower voltage for the purpose of distribution to enduse customers in the State through one or more distribution lines having a rating of less than 69 kilovolts, or a rating as the board to determines to be at the distribution level.

"Electric public utility" or "utility" means a public utility, as that term is defined in R.S.48:2-13, that transmits and distributes electricity to end users within this State.

- 2. a. Within 120 days of the board's promulgation of the rules and regulations establishing flood-proof design regulations pursuant to section 3 of P.L., c. (C.) (pending before the Legislature as this bill), each electric public utility in the State, having ownership or control of an electric distribution substation located within any velocity or "V" zone indicated on any advisory base flood elevation or effective base flood elevation map proposed or adopted after October 29, 2012, by the Federal Emergency Management Agency, shall prepare and submit to the board a plan to mitigate flood damage to the substation in accordance with the flood-proof design regulations promulgated by the board pursuant to section 3 of P.L., c. (C.) (pending before the Legislature as this bill).
- b. Any plan submitted to the board pursuant to subsection a. of this section, shall be subject to board review and approval. In the event that the board disapproves a plan, the board shall provide in writing the electric public utility its reasons for disapproval. If the board fails to take any action concerning the plan within 120 days of receipt of the plan, the plan shall be considered approved by the board. Each electric public utility shall file a copy of an approved plan with the board.
- c. The board shall require each electric public utility to report annually on its compliance with the requirements of this section. The electric public utility shall make these reports available to the public, which shall pertain only to the electric public utility's compliance and shall not include any information deemed to be sensitive security information.

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Within 120 days of the effective date of P.L. , c. (C. (pending before the Legislature as this bill), the board shall, pursuant to the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), adopt rules and regulations establishing flood-proof design regulations applicable to an electric distribution substation subject to the requirements of section 2 of , c. P.L. (C.) (pending before the Legislature as this bill), including standards and the classification of property and equipment, to be determined by the board, as being an electric distribution substation, and any other rules and regulations as may be necessary to effectuate the purposes of P.L. , c. (C. The rules and (pending before the Legislature as this bill). regulations shall require an electric public utility to take measures to protect an electric distribution substation from flooding through the construction of flood barriers, raising equipment, relocating the substation to a different location, or other measures that would make a substation flood resistant.

4. This act shall take effect immediately.

STATEMENT

This bill directs the Board of Public Utilities (BPU), within 120 days of the effective date of the bill, to promulgate flood-proof design rules and regulations for electric distribution substations and transfer stations of an electric public utility (utility) which are located within any velocity or "V" zone indicated on any advisory base flood elevation or effective base flood elevation map proposed or adopted after October 29, 2012, by the Federal Emergency Management Agency. The rules and regulations are to require a utility to take measures to protect substations and transfer stations from flooding through the construction of flood barriers, raising equipment, relocating the substation to a different location, or other measures that would make a substation flood resistant.

The bill further requires every utility, within 120 days of the promulgation of the BPU regulations, to submit a flood damage mitigation plan in accordance with the regulations. The bill provides that the plan submitted by a utility shall be subject to BPU review and approval. In the event that the BPU disapproves the plan, the BPU is to provide the utility in writing its reasons for disapproval. If the BPU fails to take any action concerning the plan within 120 days of receipt of the plan, it is to be considered approved by the BPU. Each utility is to file a copy of an approved plan with the BPU. The bill requires each utility to report annually on its compliance with the requirements of the bill and make these reports available to the public. The report is to pertain only to the utility's compliance and is not to include any information deemed to be sensitive security information.